



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CR-5233-2024

Date of decision : 06.03.2025

Mahesh Kumar Sanyam Kumar Commission Agent and anr.**..... Petitioners****versus****M/s. Tridev Trading Company Commission Agent Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Munish Kumar Garg, Advocate
for the petitioners.

Mr. Mayank Gupta, Advocate and
Mr. Didar Singh, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

1. Instant revision petition is directed against order dated 23.08.2024, whereby evidence of the plaintiff has been ordered to be closed by Additional Civil Judge (Sr. Divn.), Narwana.

2. Counsel for the petitioners while assailing impugned order submits that the plaintiff submitted list of witnesses, deposited diet money. Despite his efforts, the witnesses did not come present. Witnesses summoned are official witnesses. In these circumstances, instead of closing the evidence of the plaintiff by order, Court ought to have exercised its powers to summon witnesses by alternate mode. He thus, submits that the impugned order cannot be sustained.

3. *Per contra*, counsel for the respondent, however, submits that it is evident from the impugned order that the plaintiff had already availed numerous opportunities and thus, the Trial Court rightly closed the evidence of the plaintiff by order to avoid further delay in the trial.



4. Having heard counsel for the parties and after going through the records of the case, this Court is of the considered opinion that once the plaintiff had taken necessary steps to summon the witnesses, the Court instead of closing the evidence of the plaintiff by order ought to have either summoned the witnesses. In the present case, the summoned witnesses being officials, the Court ought to have resorted to coercive measures to secure their presence exercising in its powers as provided under the Code instead of closing the evidence.

5. In view thereof, the impugned order dated 23.08.2024 cannot be sustained. The same is hereby ordered to be set aside. Trial Court is directed to get the presence of the witnesses secured, following the mandate of the Code. Parties to appear before the trial Court on **17.03.2025.**

6. In view of above, the present petition is disposed off.

(PANKAJ JAIN)
JUDGE

06.03.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No